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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,913	07/22/2003	Alexander V. Tuganov	42P14875C	1183
7590 05/09/2005				
Cory G. Claassen BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP Seventh Floor 12400 Wilshire Boulevard Los Angeles, CA 90025-1026		EXAMINER NGUYEN, TUAN N		
		ART UNIT PAPER NUMBER		
		2828		
DATE MAILED: 05/09/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/625,913

Applicant(s)

TUGANOV ET AL.

Examiner

Tuan N. Nguyen

Art Unit

2828

AK

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 43-68 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 43-68 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other

DETAILED ACTION
Double Patenting

1. Claims (43, 44, 48, 50, 52, 58, 59, 65, 67) rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims (1, 4, 6, 8, 9, 11, 12, 14-16) of U.S. Patent No. (US 6658031). Although the conflicting claims are not identical, they are not patentably distinct from each other because claims (43, 44, 48, 50, 52, 58, 59, 65, 67) of present application is broader than U.S. Patent No. (US 6658031).

Claim Rejections - 35 USC § 102

2. The following is a quotation of 35 U.S.C. 102(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 43-68 are rejected under 35 U.S.C. 102(a) as being unpatentable over Tuganov et al. (US 6330253).

With respect to claims 43-44, 52, 58, 65-66 Tuganov '253 discloses in (Col 18: 29-45) a laser apparatus comprising first and second reflector defining a laser cavity, with a gain medium emits a beam along an optical path between first and second reflectors (Fig 11c: 1100, 1120, 1122, 1124, 1126, 1118), and a compensating member coupled to at least one of said reflectors and thermally adjust optical path length between said reflectors (Col 14: 7-30)(Col 18: 55-65).

With respect to claims 45, 47-48, 53, 59, 67 (Fig 10: CPU, Power, Temp) shows the thermoelectric controller coupled to compensating member and thermally adjust

length of compensating member (Col 18: 55-65) and compensating member is thermally conductive or having high coefficient of thermal expansion (Col 14: 7-30)(Col 19: 20-32) (Col 20: 23-40).

With respect to claim 46 (Fig 11c: 1120, 1122, 1124, 1126) shows gain medium has first and second output facets, where first facet output beam, and second facet is a reflector where first and second facet defining the laser cavity (Col 18: 29-45).

With respect to claims 49, 54, 60, 68 (Col 14: 7-30) (Col 15: 1-40) discloses said gain medium and first reflector are passively thermally stabilizing laser cavity with respect to each other.

With respect to claims 50, 55-56, 61-62, 64 (Fig 10: Power detector, Temp, CPU, 222, Modulation circuit) shows and discloses the controller and detector configured to thermally adjust a length of compensating member according to error signals derived from the detector (Col 13: 10-50) (Col 19: 5-7).

With respect to claims 51, 57, 63 (Fig 10: Modulation circuit, 222) shows the modulation circuit or the dithering element use to introduce frequency modulation to laser cavity.

Communication Information

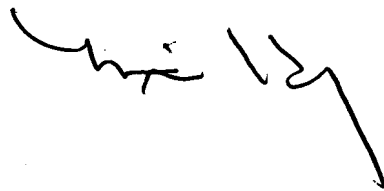
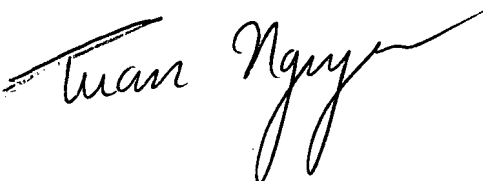
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan N Nguyen whose telephone number is (571) 272-1948. The examiner can normally be reached on M-F: 7:30 - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harvey Minsun can be reached on (703) 308-16741. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tuan N. Nguyen



MINSUN OH HARVEY
PRIMARY EXAMINER